

## **REMARKS**

### **I. Introductory Remarks.**

The Applicant respectfully thanks the Examiner for her comments in the Office Action mailed 29 March 2006. This paper addresses the issues raised in the Office Action mailed 29 March 2006. This response is submitted in compliance with the guidelines of the revised amendment practice. See 1267 Off. Gazette 106.

Claims 1-19 are currently pending in the application. In the Office Action, the Examiner provisionally rejected claims 1-19 under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of co-pending Application No. 10/655,494 and rejected claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over Schickedanz (U.S. Patent No. 4,410,761), in view of Bohmer (U.S. Patent No. 4,658,188) and knowledge in the art at the time of the invention.

### **II. Double Patenting.**

In the Office Action, claims 1-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/655,494. A terminal disclaimer in compliance with 37 CFR 1.321) has been filed along with this response. Reconsideration of this provisional rejection is respectfully requested.

### **III. Claims Rejection - 35 U.S.C. § 103(a).**

Claims 1-19 were rejected under the provisions of 35 U.S.C. § 103(a) as being made obvious by Schickedanz, in view of Bohmer. As set out below, it is respectfully submitted that Schickedanz, in view of Bohmer does not render the cited claims unpatentable.

It is first stated that all the cited claims are drawn to a flat panel monitor frame having integral speakers that surround the housing enveloping the screen. Thus, the frame is an additional item that can be mounted around the envelope of the monitor, unlike the submitted reference Schickedanz, which is drawn to loudspeakers that are housed within the actual television set. One of the utilities in Applicant's invention is the ability to personalize a commercial off the shelf flat panel monitor, by mounting Applicant's frame around it. Applicants claimed invention offers a variety of speaker types, speaker arrangements and trim options, which give a consumer the ability to customize their flat panel monitor. The television set as claimed in Schickedanz actually teaches away from having a separate frame that is mountable, by requiring that the television set having a stereo loudspeaker system must also consist of a television tube. Applicant's invention does not in any way consist of the actual monitor. For the reasons stated above, it is submitted that this reference does not teach the use of a flat panel monitor frame and thus does not render the cited claims obvious.

In the Office Action, it is acknowledged that Schickedanz fails to teach that the monitor is a flat panel monitor. Therefore, the Office Action cites Bohmer as teaching a tube television monitor that has a flat panel for potentially eliminating the bulk envelope, and that therefore, it would have been obvious to construct the monitor of Schickedanz as a flat panel monitor as taught by Bohmer. Firstly, Bohmer is drawn to the apparatus and method for forming a scanning electron beam for a cathode ray tube device. That device is the actual flat panel monitor, not a mountable frame that surrounds the monitor or envelope encasing the monitor. Bohmer teaches how to make a flat screen and the utility is that a "flat screen potentially eliminates the bulk envelope of a conventional cathode ray tube, especially a television picture tube." (Col.1, lines 13-17). Applicant's invention is not the envelope or "bulk envelope" of the flat panel monitor, but a frame that can be mounted around the envelope. Bohmer does not teach or suggest anything about a frame that may actually sit around the envelope of the monitor, in fact, Bohmer fails to even motivate or teach anything about an envelope, let alone what may be mounted to the envelope. Bohmer merely states in the specification that the utility of the invention is that it reduces the size

of the current envelope that encases the standard television picture tube. Therefore, even Schickedanz in combination with Bohmer, still fails to teach the cited claims. For these reasons, it is respectfully submitted that the rejection of the cited claims 1 and 14 be withdrawn and that the claims be passed to allowance.

In the Office Action, the combination of Schickedanz and Bohmer are cited as teaching the claims dependant from claim 1, which are claims 2-16. In each case where there was an element not taught by the combination of Schickedanz and Bohmer, the Office Action alleged that the missing element was known in the prior art without citing a reference. Applicant respectfully traverses the rejection and requires citation of a reference for any element not described in Schickedanz and Bohmer because it is difficult, if not impossible, to comment on a proposed combination where there is no art cited for the acknowledged claim elements not in the references cited. However, since claim 1 as stated in the above paragraphs is not obvious in view of Schickedanz and Bohmer, the more limiting dependant claims which include claims 2-16 can in no way be obvious in view of these references and the alleged skill in the art at the time the invention was made. For these reasons, Applicant respectfully requests withdrawal of the rejection and passage to issue.

Regarding claim 17, the Office Action points to the rejection of claims 7, 13, and 15-16. The arguments submitted above for claims 7, 13, and 15-16 are respectfully submitted here for claim 17. The cited art and alleged skill in the art acknowledged in the Office Action does not teach all of the claimed invention, nor suggest or show a motivation to combine the references and therefore, Applicants respectfully request that this rejection be withdrawn.

Regarding claim 18, the Office Action points to the rejection of claims 1 and 12. The arguments submitted above for claims 1 and 12 are respectfully submitted here for claim 18. The cited art and alleged skill in the art acknowledged in the Office Action does not teach all of the claimed invention nor suggest or show a motivation to combine the references and therefore, Applicants respectfully request that this rejection be withdrawn.

Regarding claim 19, the Office Action points to the rejection of claim 14. Since claim 19 is dependant from claim 18, the above arguments for claim 18 are respectfully submitted here, along with the above arguments for claim 14. The cited art and alleged skill in the art acknowledged in the Office Action does not teach all of the claimed invention nor suggest or show a motivation to combine the references and therefore, Applicants respectfully request that this rejection be withdrawn.

There is no suggestion in Schickedanz and Bohmer or the alleged skill in the art at the time of the invention, that their teachings be combined; nor do they provide any motivation or reason for being combined. Schickedanz teaches away from a frame that is mountable and requires that the speakers be encompassed within the television set. Bohmer, in no way teaches a frame that can surround a flat panel monitor, but merely teaches the actual monitor itself. In no way is there a motivation to combine the cited art, in fact, Bohmer actually teaches away from the television tube in Schickedanz, further showing that Applicants claimed invention is not obvious.

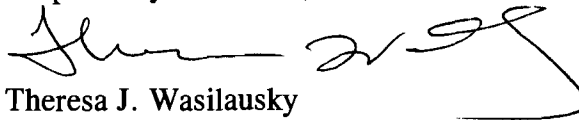
#### **IV. Official Notice Statements**

Applicants respectfully maintain their position as stated in the Response to Office Action dated 23 November 2005 that the assertion of official notice in the Office Action dated 24 August 2005 is traversed.

### CONCLUSION

The Applicants would like to thank the Examiner again for the comments in the Office Action dated 29 March 2006. Based on the above, the Applicant respectfully submits that all of the claims are in condition for allowance and such allowance is respectfully requested. Reconsideration of the present application, in light of the above remarks, is respectfully requested. The Examiner is further cordially invited to telephone the undersigned for any reason, which would advance the allowance of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Theresa J. Wasilausky', with a long horizontal stroke extending to the right.

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